



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 4, 1996

Ms. Dorcas A. Green
Walsh, Anderson, Underwood,
Schulze, & Aldridge, P.C.
P.O. Box 2156
Austin, Texas 78768

OR96-1822

Dear Ms. Green:

On behalf of the Alpine Independent School District (the "school district"), you ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101281.

The school district received a request for "minutes of any Executive Sessions in which my client Donald Philbrick was the subject of discussion, and only that portion of the minutes relating to said discussion of Mr. Philbrick, for the period of time from May 1, 1994 to September 1, 1994." You inform us that the school district has no written minutes that are responsive to the request. You ask whether the school district must release to the requestor the certified agendas of school district board meetings for the time period from May 1, 1994, to September, 1994. You assert that the certified agendas are excepted from required public disclosure based on section 552.101 of the Government Code.

Section 551.104 (c) of the Government Code, a provision in the Open Meetings Act,¹ provides as follows:

The certified agenda or tape of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3).

¹
Government Code chapter 551.

The referenced subsection (b)(3) of section 551.104 reads as follows:

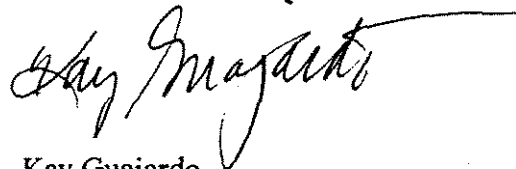
(b) In litigation in a district court involving an alleged violation of this chapter, the court:

(3) may grant legal or equitable relief it considers appropriate, including an order that the governmental body make available to the public the certified agenda or tape of any part of a meeting that was required to be open under this chapter.

This provision permits a governmental body to release to the public a certified agenda only upon court order in an action brought under the Open Meetings Act. For purposes of section 552.101 of the Government Code, we believe Government Code section 551.104 makes confidential the certified agendas of executive sessions. See Open Records Decision No. 495 (1988) at 3 (construing predecessor statute). Accordingly, the school district must not release the certified agendas.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 101281

cc: Mr. Ronald McCluskey
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